

sions must, under article I, section 7 of the Constitution, originate in the House. Following the amendment of the House bill and the indefinite postponement of the Senate bill, the House bill, H.R. 5610, was messaged to the Senate.

§ 13.2 It is in order by unanimous consent to consider a resolution that has been laid on the table.

On May 22, 1935,⁽³⁾ the following occurred on the floor of the House:

MR. [WILLIAM M.] CITRON [of Connecticut]: Mr. Speaker, I ask unanimous consent to take from the table House Joint Resolution 107, authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

THE SPEAKER: ⁽⁴⁾ Is there objection to the request of the gentleman from Connecticut?

There being no objection, the Clerk read the resolution.

D. MOTIONS FOR THE PREVIOUS QUESTION

§ 14. In General

A motion for the previous question is used to close debate and bring the pending matter to a vote.⁽⁵⁾ It is also used to foreclose further amendments and bring the House to a decision on the pending question. It is not in order in the Committee of the Whole.⁽⁶⁾

The previous question is considered a fundamental rule of par-

liamentary procedure, and as such it is in order even before the rules of the House have been adopted.⁽⁷⁾ The motion takes precedence over all other motions except the motion to adjourn and the motion to lay on the table,⁽⁸⁾ but once moved, the motion itself is not subject to a motion to table.⁽⁹⁾

The defeat of the motion for the previous question has two general effects. It throws the main question open to further consider-

3. 79 CONG. REC. 8026, 74th Cong. 1st Sess.

4. Joseph W. Byrns (Tenn.).

5. Rule XVII clause 1, *House Rules and Manual* §804 (1981); 8 Cannon's Precedents §2662; and 5 Hinds' Precedents §5456.

6. See § 14.8, *infra*.

7. See § 14.1, *infra*.

8. Rule XVI clause 4, *House Rules and Manual* §782 (1981).

9. 5 Hinds' Precedents §§5410, 5411.

ation⁽¹⁰⁾ and it transfers the right of recognition to those Members who opposed the motion.⁽¹¹⁾

The motion is neither debatable⁽¹²⁾ nor, according to Jefferson's Manual, amendable.⁽¹³⁾ Jefferson's Manual also makes it clear that the motion for the previous question is not subject to a motion to postpone.⁽¹⁴⁾

The motion may not be moved on a proposition against which a point of order is pending.⁽¹⁵⁾ Further consideration of a measure has been permitted by unanimous consent after the previous question had been ordered⁽¹⁶⁾ although the precedents are not uniform in this regard.⁽¹⁷⁾

The previous question may be demanded by the Member in charge of debate on a particular measure.⁽¹⁸⁾ If the Member in charge of a measure claims the floor in debate, another Member may not demand the previous question.⁽¹⁹⁾ The Member control-

ling debate may be recognized to move the previous question even after he has surrendered the floor in debate.⁽²⁰⁾ If the Member controlling the floor on a measure yields to a second Member to offer an amendment, a third Member may move the previous question before the second Member is recognized to offer his amendment.⁽¹⁾

Any Member properly recognized on the floor may offer the motion although the effect may be to deprive the Member in charge of control of his measure.⁽²⁾ Any Member having the floor may move the previous question after debate if the Member in charge of the measure does not so move.⁽³⁾

Forty minutes of debate are allowed when the previous question is ordered on a debatable proposition on which there has been no debate.⁽⁴⁾ However, if there has been any debate at all prior to the

10. See generally §22, *infra*.

11. See generally §23, *infra*.

12. Rule XVI clause 4, *House Rules and Manual* §782 (1981).

13. *House Rules and Manual* §452 (1981).

14. *Id.* at §451.

15. 8 Cannon's Precedents §§2681, 3433.

16. See §14.13, *infra*.

17. See §15.18, *infra*.

18. See §16.1, *infra*.

19. *House Rules and Manual* §807 (1981); and 2 Hinds' Precedents §1458.

20. *House Rules and Manual* §807 (1981); and 8 Cannon's Precedents §2682.

1. See §18.3, *infra*, and *House Rules and Manual* §807 (1981).

2. *House Rules and Manual* §807 (1981); 8 Cannon's Precedents §2685; and 5 Hinds' Precedents §5476.

3. *House Rules and Manual* §807 (1981); and 5 Hinds' Precedents §5475.

4. Rule XXVII clause 3, *House Rules and Manual* §907 (1981). See §§21.2–21.4, *infra*.

ordering of the previous question, there is no right to 40 minutes of debate.⁽⁵⁾ Such prior debate must have been on the merits of the proposition in order to preclude the 40 minutes permissible under Rule XXVII clause 3.⁽⁶⁾ The 40 minutes of debate may not be demanded on a proposition which has been debated in the Committee of the Whole⁽⁷⁾ nor on a conference report if the subject matter of the report was debated before being sent to conference.⁽⁸⁾ If the previous question is ordered solely on an amendment which has not been debated, the 40 minutes are permitted⁽⁹⁾ but they are not permitted if the previous question covers both an amendment and the main proposition, which has been debated.⁽¹⁰⁾

5. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §§5499-5501.

6. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5502.

7. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5505.

8. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §§5506, 5507.

9. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5503.

10. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5504.

Application of Motion Prior to Adoption of the House Rules

§ 14.1 The previous question is applicable in the House prior to the adoption of rules.

On Jan. 10, 1967,⁽¹¹⁾ prior to the formal adoption of the rules of the House, the House was considering House Resolution 1, relating to the right of Adam Clayton Powell to take the oath of office as a Representative from New York. Mr. Joe D. Waggonner, Jr., of Louisiana, rose to his feet and posed a parliamentary inquiry:

MR. WAGGONNER: Mr. Speaker, at the conclusion of whatever time the gentleman from Arizona chooses to use in the consideration of this matter, under the rules of the House will the House have the usual privilege of voting up or down the previous question?

The Speaker⁽¹²⁾ held that under the precedents applicable prior to the adoption of the rules, the previous question could be offered.⁽¹³⁾

Scope of Motion

§ 14.2 The previous question may be asked and ordered upon a single motion, a series of motions, or an amend-

11. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

12. John W. McCormack (Mass.).

13. See also 111 CONG. REC. 19, 20, 89th Cong. 1st Sess., Jan. 4, 1965.

ment or amendments, or may be made to embrace all motions or amendments pending, and if not otherwise specified it applies to all pending motions or amendments.⁽¹⁴⁾

On July 14, 1942,⁽¹⁵⁾ the House was considering amendments reported from conference in disagreement on H.R. 6709, appropriations for agriculture for 1943. Mr. Malcolm C. Tarver, of Georgia, offered a motion that the House insist on its disagreement to Senate amendments numbered 83, 85, and 86. Mr. Clarence Cannon, of Missouri, then offered the preferential motion that the House recede from its disagreement to amendment No. 85, and concur therein with an amendment. At the conclusion of the ensuing debate, Mr. Tarver moved and the House ordered the previous question. When a quorum failed on Mr. Cannon's motion, the House adjourned. The next day,⁽¹⁶⁾ the House rejected Mr. Cannon's motion and the question recurred on Mr. Tarver's motion. At this point, Mr. John Taber, of New York, rose.

MR. TABER: Mr. Speaker, a parliamentary inquiry.

14. Rule XVII clause 1, *House Rules and Manual* § 804 (1981).

15. 88 CONG. REC. 6155-58, 77th Cong. 2d Sess.

16. *Id.* at pp. 6194, 6195.

THE SPEAKER:⁽¹⁷⁾ The gentleman will state it.

MR. TABER: Has the previous question been ordered upon this particular motion?

THE SPEAKER: The previous question was ordered on both motions on yesterday.

MR. TABER: The Record indicates that the gentleman from Georgia [Mr. TARVER] moved the previous question, but it does not say on what the previous question was ordered. I assumed it meant that the gentleman had moved the previous question upon the Cannon motion.

THE SPEAKER: Unless otherwise specified, the previous question is ordered on all motions pending at the time.

Divisibility

§ 14.3 A motion for the previous question on an amendment to a resolution and the adoption of the resolution is not divisible.

On April 25, 1940,⁽¹⁸⁾ the House was considering House Resolution 289, providing for consideration of H.R. 5435, amendments to the wage-hour law.

MR. [PHIL] FERGUSON [of Oklahoma]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The gentleman will state it.

17. Sam Rayburn (Tex.).

18. 86 CONG. REC. 5051, 76th Cong. 3d Sess.

19. Sam Rayburn (Tex.).

MR. FERGUSON: Did I understand the Chair to say that the motion was on ordering the previous question on the amendment and the adoption of the rule?

THE SPEAKER PRO TEMPORE: The gentleman from Georgia moves the previous question on the amendment and on the resolution.

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FISH: Mr. Speaker, would it be in order to have separate votes on the two propositions?

THE SPEAKER PRO TEMPORE: A motion for the previous question cannot be divided.

Renewing the Motion

§ 14.4 The previous question, although moved and rejected, may be renewed after intervening business.

On Jan. 3, 1969,⁽²⁰⁾ the House was considering House Resolution 1 offered by Mr. Emanuel Celler, of New York, dealing with certain fines and punishments proposed against Mr. Adam C. Powell, of New York. After the previous question had been defeated, Mr. Clark MacGregor, of Minnesota, offered a resolution which the Chair ruled out on a point of order. Mr. Celler once again

20. 115 CONG. REC. 25-27, 91st Cong. 1st Sess.

moved the previous question on the resolution and uncertainty arose as to the parliamentary situation. Mr. Albert W. Watson, of South Carolina, rose with a parliamentary inquiry:

MR. WATSON: Mr. Speaker, perhaps I may be alone in my lack of understanding as to exactly what is transpiring at the moment, but, perhaps, there may be some others who might be in a similar situation.

My parliamentary inquiry is this: Once the previous question has been rejected as it was a moment ago on the original Celler resolution, is it not in order for a substitute resolution to be offered by another Member of this body?

THE SPEAKER:⁽²¹⁾ The Chair will state in response to the gentleman's parliamentary inquiry that an amendment in the nature of a substitute was offered and a point of order was made against it. The Chair sustained the point of order, and at this point a motion to move the previous question is again in order.

MR. WATSON: Further, Mr. Speaker, there having been no further business having transpired between that vote which we took a moment ago, and by a vote of almost 2 to 1 rejected the previous question, is it not in order for another substitute to be offered?

THE SPEAKER: The Chair will state that business has been transacted during that period of time.

Application of Motion to Private Bills

§ 14.5 It is in order to move the previous question on indi-

21. John W. McCormack (Mass.).

vidual private bills on the calendar.

On Apr. 7, 1936,⁽¹⁾ during the call of the Private Calendar, the House was considering S. 2682 for the relief of Chief Carpenter William F. Twitchell of the U.S. Navy, when the following occurred:

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽²⁾ The gentleman will state it.

MR. O'CONNOR: Would a motion to move the previous question on the bill preclude the offer of (an) amendment?

THE SPEAKER: The ordering of the previous question would preclude the offering of amendments and serve to close debate.

Approval of Journal

§ 14.6 The motion for the previous question applies to the question of the approval of the Journal.

On June 25, 1949,⁽³⁾ after the Clerk finished the reading of the Journal, the following took place:

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I move that the Journal as read stand approved;

1. 80 CONG. REC. 5075, 74th Cong. 2d Sess.
2. Joseph W. Byrns (Tenn.).
3. 95 CONG. REC. 10092, 10093, 81st Cong. 1st Sess.

and on that motion I move the previous question.

THE SPEAKER:⁽⁴⁾ The question is on ordering the previous question.

MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, on that I demand the yeas and nays.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I demand the yeas and nays on ordering the previous question.

The yeas and nays were ordered.

Preamble of Resolution

§ 14.7 Ordering the previous question on a pending resolution does not cover the preamble thereto; and a motion to order the previous question on the preamble is in order following the vote whereby the resolution is agreed to.

On Mar. 1, 1967,⁽⁵⁾ the House was considering House Resolution 278, relating to the right of Representative-elect Adam Clayton Powell to be sworn. A motion by Mr. Thomas B. Curtis, of Missouri, for the previous question on his amendment to the resolution and on the resolution itself was adopted, after which the amendment and resolution were ap-

4. Sam Rayburn (Tex.).

5. 113 CONG. REC. 5038, 5039, 90th Cong. 1st Sess.

proved. The following then occurred:

MR. CURTIS: Mr. Speaker, I move the previous question on the adoption of the preamble.

MR. [PHILLIP] BURTON of California: Mr. Speaker, a point of order.

THE SPEAKER:⁽⁶⁾ The gentleman from California will state his point of order.

MR. BURTON of California: The gentleman from Missouri is urging a motion that duplicates an action already taken by the House. The House already has had a motion to close debate on the preamble and on the resolution as amended.

We have already had that vote. I make the point of order that the gentleman's request and/or motion is out of order. I think the record of the proceedings of the House will indicate that the point being advocated reflects accurately the proceedings as they have transpired.

THE SPEAKER: The Chair will state that the previous question was ordered on the amendment and the resolution but not on the preamble.

Parliamentarian's Note: The previous question could apply to the preamble of a resolution if the proponent of the motion so specifies in offering the motion. See 5 Hinds' Precedents §§ 5469, 5470.

Committee of the Whole

§ 14.8 The motion for the previous question is not in order

6. John W. McCormack (Mass.).

in the Committee of the Whole.

On Nov. 17, 1967,⁽⁷⁾ the Committee of the Whole was considering H.R. 13893, dealing with foreign aid appropriations for fiscal 1968.

MR. [PAUL C.] JONES of Missouri: Mr. Chairman, reserving the right to object, is it in order to move the previous question on this amendment now, inasmuch as we have had considerable debate on it, and I have been trying to receive recognition for approximately half an hour, but now I am willing to forgo my time.

THE CHAIRMAN:⁽⁸⁾ The Chair will state that the moving of the previous question is not in order in the Committee of the Whole.⁽⁹⁾

§ 14.9 The previous question may be moved on a number of amendments reported from the Committee of the Whole leaving certain other amendments reported from such Committee for further consideration in the House.

On Dec. 10, 1937,⁽¹⁰⁾ the Committee of the Whole had consid-

7. 113 CONG. REC. 32964, 90th Cong. 1st Sess.

8. Charles M. Price (Ill.).

9. See also 112 CONG. REC. 18111, 18112, 89th Cong. 2d Sess., Aug. 3, 1966 (H.R. 14765); and 110 CONG. REC. 457, 88th Cong. 2d Sess., Jan. 16, 1964.

10. 82 CONG. REC. 1285-88, 75th Cong. 2d Sess.

ered H.R. 8505, a farm bill, and had reported that bill to the House along with certain amendments. The following then occurred:

MR. [MARVIN] JONES [of Texas]: Mr. Speaker, I move the previous question on all amendments except the Boileau amendment.

The previous question on all amendments except the Boileau amendment was ordered.

THE SPEAKER:⁽¹¹⁾ Is a separate vote demanded on any amendment?

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOILEAU: Will there be an opportunity for a separate vote on the Boileau amendment?

MR. JONES: I may say to the gentleman I am about to ask for a separate vote on it.

MR. BOILEAU: I confess I am not familiar with the procedure in the situation now before the House as to the effect of ordering the previous question on all amendments except the Boileau amendment.

THE SPEAKER: The previous question has already been ordered by the House, thus bringing to an immediate vote all amendments except the so-called Boileau amendment. The gentleman from Texas is now demanding a separate vote upon certain amendments. The Chair will recognize the gentleman from Wisconsin to demand a separate vote upon his amendment if

the gentleman from Texas does not do so. . . .

MR. JONES: Mr. Speaker, I ask for a separate vote on four amendments.

I ask first for a separate vote on the so-called Ford amendment, striking out and inserting language on page 6, lines 5 to 17, inclusive. I also ask for a separate vote on a similar amendment which was offered by the gentleman from Mississippi [Mr. Ford], on page 4, line 21. This is a corrective amendment, and, inasmuch as it is a technical amendment made necessary by the other Ford amendment, I ask unanimous consent, Mr. Speaker, that the two amendments may be considered together.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

There was no objection.

MR. JONES: Mr. Speaker, I ask also for a separate vote on the so-called Boileau amendment, inserting language on page 9, line 4.

I also ask for a separate vote on the so-called Coffee amendment, which struck out part III of title III, relating to marketing quotas on wheat.

THE SPEAKER: Is a separate vote demanded on any other amendment?

MR. [SCOTT W.] LUCAS [of Illinois]: Mr. Speaker, I demand a separate vote on the Jones amendment.

THE SPEAKER: The gentleman from Illinois demands a separate vote on the Jones amendment, which he has described heretofore. For the purpose of the Record, will the gentleman cite to the Chair the page to which the amendment was offered?

MR. JONES: Mr. Speaker, my amendment strikes out, beginning with line

11. William B. Bankhead (Ala.).

14, on page 14, the remaining part of the paragraph down to and including line 9, on page 15.

MR. BOILEAU: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOILEAU: Mr. Speaker, the gentleman from Texas [Mr. Jones] has moved the previous question on all amendments except the Boileau amendment. I do not recall a similar situation since I have been a Member of the House, and I frankly confess I do not know the effect of the motion of the gentleman from Texas. I would appreciate it if the Speaker would explain to the Members of the House the present status of the Boileau amendment.

Am I correct in my understanding of the present situation that because of the previous question having been ordered on all amendments other than the Boileau amendment there is no longer opportunity for debate on such amendments, but that, the previous question not having been ordered on the Boileau amendment, there is opportunity for debate on it unless the previous question is ordered?

THE SPEAKER: Unless the previous question is ordered on the Boileau amendment, if a Member should seek recognition to debate the amendment the Chair would recognize that right.

MR. BOILEAU: If a motion for the previous question were made and the previous question ordered on the Boileau amendment, would that amendment then be in the same position before this body as the other amendments?

THE SPEAKER: It would, except the previous question has already been or-

dered on the other amendments, and under the present situation the amendments upon which the previous question is ordered will be put to a vote and disposed of before the Boileau amendment is before the House for consideration.

House as in Committee of the Whole

§ 14.10 Debate in the House as in the Committee of the Whole may be closed by ordering the previous question.

On July 28, 1969,⁽¹²⁾ the House was proceeding as in Committee of the Whole to consider H.R. 9553, amending the District of Columbia Minimum Wage Act.

MR. [JOHN] DOWDY [of Texas]: Mr. Speaker, I move the previous question.

THE SPEAKER:⁽¹³⁾ The question is on ordering the previous question.

Motion to Suspend the Rules Not Subject to Demand for Previous Question

§ 14.11 The motion for the previous question is not applicable where a motion is made to suspend the rules and agree to a resolution.

On June 18, 1948,⁽¹⁴⁾ the House was considering S. 2655, the Se-

12. 115 CONG. REC. 20855, 91st Cong. 1st Sess.

13. John W. McCormack (Mass.).

14. 94 CONG. REC. 8829, 8830, 80th Cong. 2d Sess.

lective Service Act of 1948, when the following occurred:

MR. [WALTER G.] ANDREWS [of New York]: Mr. Speaker, I move to suspend the rules and pass the resolution, House Resolution 690, which I send to the desk.

THE SPEAKER: ⁽¹⁵⁾ The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House insist upon its amendment to S. 2655, ask a conference with the Senate on the disagreeing votes, and that the Speaker immediately appoint conferees.

A discussion arose as to how to insist on certain provisions of the House amendments to the Senate bill. Mr. John E. Rankin, of Mississippi, then offered the following advice to Mr. Vito Marcantonio, of New York:

MR. RANKIN: I wish to say that if the gentleman wishes to do so, as soon as the previous question is ordered it is in order to offer a motion to instruct conferees. That is the rule of the House that has always been followed.

THE SPEAKER: The Chair will inform the gentleman from Mississippi that there is no previous question to be ordered, that the House is now considering under a suspension of the rules House Resolution 690, which carries the following provision:

That the House insist upon its amendments to the bill of the Senate, S. 2655, ask for a conference with the Senate on the disagreeing votes of the two Houses, and that

the Speaker immediately appoint conferees.

MR. RANKIN: Mr. Speaker, will the gentleman yield?

MR. MARCANTONIO: I yield to the gentleman from Mississippi.

MR. RANKIN: It has always been the rule and it is the rule now.

THE SPEAKER: But this is under a suspension of the rules and it would not be in order after the adoption of the pending resolution to offer such a motion.

Application to Nondebatable Resolutions

§ 14.12 The motion for the previous question may not be applied to a resolution brought up under a motion to discharge where the resolution itself is not debatable under the discharge rule.

On Sept. 27, 1965,⁽¹⁶⁾ Mr. Abraham J. Multer, of New York, called up discharge motion No. 5, to discharge the Committee on Rules from the further consideration of House Resolution 515, providing for the consideration of H.R. 4644, to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia. Mr. Howard W. Smith, of Virginia, and the Speaker, John W. McCormack, of Massachusetts,

15. Joseph W. Martin, Jr. (Mass.).

16. 111 CONG. REC. 25180-85, 89th Cong. 1st Sess.

discussed the procedure for the consideration of the resolution.

MR. SMITH of Virginia: Mr. Speaker, this motion to discharge is directed at the Committee on Rules. If adopted, it will discharge the Committee on Rules from the consideration of the resolution which has just been brought up; am I correct in that?⁽¹⁷⁾

THE SPEAKER: The gentleman's statement is correct.

MR. SMITH of Virginia: And Mr. Speaker, after that happens, the next question will be on the resolution itself, which has just been referred to, which has just been called up?

THE SPEAKER: The gentleman's statement is correct.

MR. SMITH of Virginia: Now, Mr. Speaker, that resolution waives points of order. There are grave points of order in the bill that is to be recognized. The question I want to ask is whether there will be an opportunity in debate on the rule to advise the House of the facts that it does waive the points of order and that there are points of order with which the House ought to be made familiar.

THE SPEAKER: The Chair will state that under the rule on the question of discharge there is 20 minutes, 10 minutes to the side, and that will close debate on the motion. The House will then vote on the adoption of House Resolution 515 without debate or other intervening motions.

MR. SMITH of Virginia: And, as I understand it, then there will be no opportunity to discuss the resolution itself on which we are about to vote?

THE SPEAKER: Not under the standing rules of the House.

MR. SMITH of Virginia: Now, Mr. Speaker, a further parliamentary inquiry. Will it be in order to move the previous question on the resolution?

THE SPEAKER: The Chair will state that under the rules of the House in a matter of this kind there is no debate and the previous question will not be in order.

Previous Question Vitiating by Unanimous-consent Request

§ 14.13 Unanimous consent was granted for the consideration of a substitute for an amendment adopted in the Committee of the Whole, even though the previous question had been ordered.⁽¹⁸⁾

On Aug. 22, 1944,⁽¹⁹⁾ the Committee of the Whole was considering H.R. 5125, dealing with the disposal of surplus government property and plants.

The proceedings were as follows:

THE CHAIRMAN:⁽²⁰⁾ The question now recurs on the adoption of the committee substitute.

The committee substitute was agreed to.

THE CHAIRMAN: Under the rule, the Committee will rise.

18. But see § 15.18, *infra*.

19. 90 CONG. REC. 7215, 7216, 78th Cong. 2d Sess.

20. R. Ewing Thomason (Tex.).

17. Motions to discharge are provided for in Rule XXVII clause 4, *House Rules and Manual* § 908 (1981).

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Thomason, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H.R. 5125) to provide for the disposal of surplus Government property and plants and for other purposes, pursuant to House Resolution 620, reported the same back to the House with an amendment adopted in the Committee of the Whole.

[The special rule providing for the consideration of the bill specified that the committee substitute should be considered for amendment as an original bill, and that separate votes could be had in the House on any amendment adopted in the Committee of the Whole to the bill or committee substitute.]

THE SPEAKER: ⁽¹⁾ Under the rule, the previous question is ordered.

Under the rule, also, the substitute being considered as an original bill, any Member may ask for a separate vote on any amendment to the substitute.

Is a separate vote demanded on any amendment?

MR. [CARTER] MANASCO [of Alabama]: Mr. Speaker, I ask for a separate vote on the so-called Mott amendment.

At the direction of the Speaker the Clerk read the amendment offered by Mr. James W. Mott, of Oregon. Mr. Warren G. Magnuson, of Washington, then rose.

1. Sam Rayburn (Tex.).

MR. MAGNUSON: Mr. Speaker——

THE SPEAKER: For what purpose does the gentleman rise?

MR. MAGNUSON: Mr. Speaker, I ask unanimous consent to submit at this time a substitute for the Mott amendment. . . .

THE SPEAKER: Is there objection to the request of the gentleman from Washington?

There was no objection.

MR. MAGNUSON: Mr. Speaker, I offer a substitute amendment.

The Clerk then read the substitute offered by Mr. Magnuson.

THE SPEAKER: The question is on the substitute.

The substitute was agreed to.

§ 14.14 An objection was raised to a unanimous-consent request to permit one hour of debate on a motion to send a bill to conference, on which motion the previous question had been ordered after brief debate.

On July 9, 1970,⁽²⁾ Mr. Thomas E. Morgan, of Pennsylvania, was recognized, and the following occurred:

MR. MORGAN: Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Foreign Affairs, I move to take from the Speaker's table the bill (H.R. 15628) to amend the Foreign Military Sales Act, with Senate amendments

2. 116 CONG. REC. 23518, 23524, 91st Cong. 2d Sess.

thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER:⁽³⁾ The gentleman from Pennsylvania (Mr. Morgan) is recognized for 1 hour on his motion.

Mr. Morgan: Mr. Speaker, I have no desire to use any time and there has been no request for any time, and in an effort to move the legislation along I will move the previous question.

However, a brief debate ensued, after which the following occurred:

MR. MORGAN: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: The question is on ordering the previous question. . . .

The question was taken; and there were—yeas 247, nays 143, not voting 41. . . .

So the previous question was ordered. . . .

MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

THE SPEAKER: The question is on the motion offered by the gentleman from Pennsylvania (Mr. Morgan).

The motion was agreed to.

3. John W. McCormack (Mass.).

§ 15. Effect of Ordering Previous Question

Precluding Further Consideration

§ 15.1 Where the previous question is moved on a resolution and the pending amendment thereto, no further debate is in order unless the previous question is rejected.

On Sept. 17, 1965,⁽⁴⁾ the House was considering House Resolution 585, dismissing five Mississippi election contests. Mr. Carl Albert, of Oklahoma, had offered an amendment to the pending resolution. The following then occurred:

MR. ALBERT: Mr. Speaker, I move the previous question on the amendment and the resolution.

Mr. [JAMES G.] FULTON [of Pennsylvania]: Mr. Speaker, I am on my feet. I rise in opposition to the amendment.

THE SPEAKER:⁽⁵⁾ The gentleman from Pennsylvania rises in opposition. The Chair advises the gentleman that under the rules he cannot be recognized unless time is yielded to him. The gentleman from Oklahoma has moved the previous question on the amendment and the resolution.

MR. FULTON of Pennsylvania: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

4. 111 CONG. REC. 24291, 89th Cong. 1st Sess.

5. John W. McCormack (Mass.).